

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As the below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled MEMBRANE-BOUND CYTOKINE COMPOSITIONS AND METHODS OF MODULATING AN IMMUNE RESPONSE USING SAME, the specification of which was filed on July 29, 1997, as Application Serial No. 08/902,516, Attorney Docket No. P-IM 2442.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor: William Soo Hoo  
Serial No.: 08/902,516  
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I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

CATHRYN CAMPBELL, Registration No. 31,815; SUSAN M. PERKINS, Registration No. 36,405; RICHARD J. IMBRA, Registration No. 37,643; PAUL C. STEINHARDT, Registration No. 30,806; GREGORY R. HOOK, Registration No. 38,701; DAVID SPOLTER, Registration No. 36,933; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ROBERT T. RAMOS, Registration No. 37,915; CHARLENE A. LAUNER, Registration No. 33,035; and ANDREA L. GASHLER, Registration No. 41,029. Direct all telephone calls to Cathryn Campbell at telephone no. (619) 535-9001.

Address all correspondence to:

CATHRYN CAMPBELL  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
Suite 700  
San Diego, California 92122

Full name of inventor: William Soo Hoo

Inventor's signature: 

Date: 10-28-97

Residence: Carlsbad, California

Citizenship: United States of America

Post Office Address: 6619 Curlew Terrace  
Carlsbad, California 92009

Docket No. P-IM 2442

Applicants or Patentees: William Soo Hoo

Serial or Patent No.: 08/902,516

Filed or Issued: July 29, 1997

For: MEMBRANE-BOUND CYTOKINE COMPOSITIONS AND METHODS OF MODULATING AN IMMUNE RESPONSE USING SAME

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(C))

SMALL BUSINESS CONCERN

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: The Immune Response Corporation  
ADDRESS OF SMALL BUSINESS CONCERN: 5935 Darwin Court  
Carlsbad, California 92008

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MEMBRANE-BOUND CYTOKINE COMPOSITIONS AND METHODS OF MODULATING AN IMMUNE RESPONSE USING SAME, by inventor William Soo Hoo, as described in application serial no. 08/902,516.

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If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Dennis J. Carlo, Ph.D.  
TITLE IN ORGANIZATION: President, Chief Executive Officer  
ADDRESS OF PERSON SIGNING: 5935 Darwin Court  
Carlsbad, CA 92008  
SIGNATURE: Dennis J. Carlo  
DATE: December 9, 1997

RECORDATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Tab sequence: 1 2 3 4 5 6 7 8 9

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

William Soo Hoo

## 2. Name and address of receiving party(ies):

Name: The Immune Response Corporation

Internal Address: 5935 Darwin Court

Carlsbad, California 90228

## 3. Nature of conveyance:

 Assignment Merger Security Agreement Change of Name Other \_\_\_\_\_

Execution Date: 12/09/97

Street Address: Same

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

08/902,516

## B. Patent No.(s)

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Cathryn Campbell

## 6. Total number of applications and patents involved: 1

Internal Address: Campbell &amp; Flores LLP

4370 La Jolla Village Drive, Ste. 700

San Diego, California 92122

Street Address: Same

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

## 7. Total fee (37 CFR 3.41): \$ 40.00

 Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Andrea L. Gashler Reg. No. 41,029

Name of Person Signing

Andrea L. Gashler

Signature

12/10/97

Date

ASSIGNMENT

This Assignment is made by William Soo Hoo of Carlsbad, California, Assignor, to The Immune Response Corporation, Assignee, having a place of business at 5935 Darwin Court, Carlsbad, California 92008.

WHEREAS, Assignor has invented a new and useful MEMBRANE-BOUND CYTOKINE COMPOSITIONS AND METHODS OF MODULATING AN IMMUNE RESPONSE USING SAME, for which an application for United States Letters Patent was filed on July 29, 1997, in the United States Patent and Trademark Office, bearing Serial No. 08/902,516, and identified as Attorney Docket No. P-IM 2442.

WHEREAS, Assignor believes himself to be the original inventor of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor sells, assigns, and transfers to Assignee, the entire right, title, and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

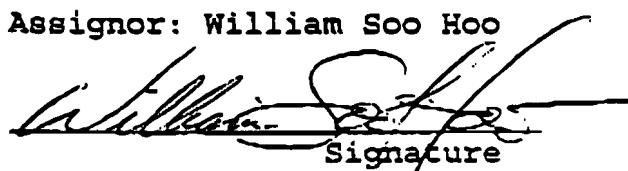
Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted herein.

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Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignor has executed this Assignment on the date(s) provided below.

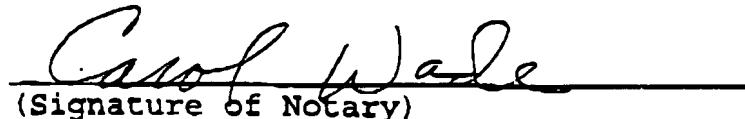
Assignor: William Soo Hoo

  
Signature

STATE OF California )  
COUNTY OF San Diego )

On December 9, 1997, before me, Carol Wade, Notary Public personally appeared William Soo Hoo, personally known to me - OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

  
(Signature of Notary)